

Appln. No. 09/846,316
Amdt. dated November 15, 2004
Reply to Office Action of August 13, 2004

REMARKS/ARGUMENTS

Applicant requests entry of the following remarks. Claims 1 to 18 stand in this application.

In the Office Action, the Examiner rejected claims 1-13 under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 6,085,220 (Court et al.) and U.S. Patent No. 6,691,104 (Kraft). In particular, the Examiner concluded that claims 1 and 8 are an obvious combination of the data analysis tool described in Kraft with the system of Court et al. Applicant respectfully disagrees, and traverses the rejection for the reasons outlined below.

Applicant submits that it would not be obvious to a person of skill in the art to combine the data analysis tool taught by Kraft with the system taught by Court et al. because Kraft does not disclose or teach a data analysis tool that is analogous to the data analysis tool claimed in the present invention. Furthermore, Applicant submits that a person of skill in the art would not be motivated to combine the teachings of Court et al. with Kraft because Court et al. and Kraft teach away from each other. Applicant further submits that the claimed invention is not obvious because combination of Court et al. and Kraft would not result in the claimed invention.

The invention of claims 1 and 8 addresses the problem whereby an engineer or an engineering firm that requires specialized application software or analysis tools, cannot develop or purchase such tools due to excessive cost, as discussed at pages 1 and 2 of the description. As described at page 6, lines 3-5 of the description, the analysis tools can include proprietary data analysis application programs and/or equipment that are owned by institutions such as universities, private corporations and government institutions. The requirement of powerful supercomputers to run certain specialized analysis tools further restricts accessibility of such tools by the engineer or engineering firm, and the infrequent use of the specialized analysis tools further reduces the cost effectiveness of purchasing or developing the required analysis tools. Accordingly, the claimed invention provides a system for providing engineers access to specialized analysis tools owned and maintained by the institutions that developed the analysis tools and have the capability to run the analysis tools, as summarized at page 8, lines 14-20 of the description. According to the embodiments of the invention, the specialized analysis tools are made available to users remotely, via an Internet connection for example.

Appln. No. 09/846,316
Amdt. dated November 15, 2004
Reply to Office Action of August 13, 2004

Therefore, economic benefits are realized by the engineers as they do not need to purchase or develop required specialized analysis tools, or obtain specialized hardware to run the analysis tools, which are already available from the institutions that own the analysis tools and associated hardware for running the analysis tools.

Court et al. discloses a system for managing a web application server in a distributed environment. Kraft discloses a system for customizing post-processing tools owned by the user for application to Internet search results, such that the post processing of the search results are executed locally on the users' computer.

Applicant submits that the teachings of localized data post processing by the Kraft system teach away from the distributed system taught by Court et al. Kraft states at column 4, lines 9-33 the advantages of the localized post processing system. More specifically, Kraft states at column 4, lines 26-28 that *"this post-processing is fully automatic on the client side by the user's tool and/or service."* Kraft then continues at column 4 lines 29-33 by stating that *"instead of using tools and/or services provided from a service provider, such as an Internet search engine, the user is able to integrate personalized tools and/or services..."*. Column 3, lines 12-14 of Kraft states that the software tool *"resides on the user's personal computer."*, and the example illustrated later at lines 45-50 shows that the software resides at "Local Path: C:/jdk1.2" of the user's personal computer. Those of skill in the art will understand that "C:" designates a local hard disk drive of a personal computer. Kraft further states at column 7, lines 63-66 that hosting of the analysis tools are *"the responsibility of the user"*, and not *"processed and/or hosted by the present invention."*. Hence, Applicant submits that Kraft directs a person of skill in the art to localized post processing, and away from the use of analysis tools that are remotely provided through the internet, as stated at column 4 lines 29-33. Therefore, Applicant submits that Court et al. and Kraft teach away from each other since Court et al. is directed to a web based system and Kraft explicitly teaches the use of a localized post-processing system. Hence there could be no motivation by a person of skill in the art to incorporate the analysis tool of Kraft into the Court et al. system.

The analysis tools taught by Kraft are dissimilar to the analysis tools described in the present application, and therefore the Applicant submits that this particular limitation of the claims is not taught nor suggested by Kraft. In the context of the present application, the analysis tools are highly specialized software programs or specialized software programs with

Appln. No. 09/846,316
Amdt. dated November 15, 2004
Reply to Office Action of August 13, 2004

associated equipment that are not owned or locally run by the user. As stated at page 1, lines 10-22, the data analysis tools are employed for data modeling to perform complex engineering analysis and to simulate a design's operation. Furthermore, the data analysis tool described in the present application *"generally require more numerous data inputs and complex processing."*, as stated at page 1, line 19 of the present application. In contrast, the analysis tools of Kraft are owned by the user, as stated by Kraft at column 1, lines 61-63, and are no more than simple software application programs designed to run locally upon a user's personal computer. In fact, the software applications of Kraft do not perform any data analysis that is comparable to the data analysis provided by the specialized analysis tools of the present invention. The software programs disclosed by Kraft execute rudimentary functions, such as Java source compiling, and other functions for manipulating the search results provided by an Internet search engine. In contrast, the analysis tools used by the present invention receive specific input data from a user, for modeling or other advanced processing, to provide the user with corresponding result data. Applicant therefore submits that the software tools/services disclosed by Kraft do not execute functions upon data in any way that is similar to the data analysis provided by the analysis tools described in the present application. Accordingly, the Applicant submits that the claimed feature of data analysis tools in the present application is not taught, suggested or disclosed in Kraft.

The system of Court et al. using the data analysis tools of Kraft as previously characterized would not result in the claimed invention. A user requiring computer aided modeling and analysis results based on numerous data inputs could not receive such services from a distributed Court et al. system employing the software disclosed by Kraft, since Kraft does not disclose, teach or suggest software for performing data analysis as intended by the analysis tools discussed in the present application. Therefore, Applicant submits that the combination of Court et al. and Kraft suggested by the Examiner could not successfully result in the claimed invention because the resulting system would not be able to receive the types of data input and provide the type of analysis and result data as contemplated by the analysis tools of the present invention. In other words, the analysis tools of Kraft are incompatible with the input data that would be provided by a user of the analysis tools taught in the present invention.

Applicant therefore submits that claims 1-14 are not obvious in view of Court et al. and Kraft because the analysis tools taught and suggested in Kraft are not analogous to the

Appln. No. 09/846,316
Amdt. dated November 15, 2004
Reply to Office Action of August 13, 2004

specialized data analysis tools claimed in the present application, because Court et al. and Kraft teach away from each other, and because the combination of Kraft with Court et al. would not result in the claimed invention. Accordingly, withdrawal of the Examiner's rejection under 35 U.S.C. 103(a) is respectfully requested.

Applicant has taken the opportunity to add new claims 15-18 to the present application. Claims 15 and 16 recite additional features of the data analysis tool recited in claim 1, and claims 17 and 18 recite the same additional features of claims 15 and 16 for the data analysis tool recited in claim 8. More specifically, claims 15 and 17 describe the data analysis tool as including proprietary data analysis application programs, and claims 16 and 18 describe the data analysis tool as including processing equipment.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,

Richard Hyatt, et al

By: 

Shin Hung
Reg. No. 55,497
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
Fax: (613) 787-3558
E-mail: ipinfo@blgcanada.com

SHH/ats